

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 30, 2012

**HOUSE FILE 2450**

**H-8392**

1 Amend House File 2450 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "Automated traffic law  
7 enforcement system" means a device with one or more  
8 sensors working in conjunction with at least one of the  
9 following:

10 a. An official traffic-control signal, to  
11 produce recorded images of motor vehicles entering  
12 an intersection against a flashing red light, steady  
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad  
15 grade crossing, as described in section 321.342,  
16 to produce recorded images of vehicles violating a  
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded  
19 images of motor vehicles travelling at a prohibited  
20 rate of speed.

21 Sec. 2. NEW SECTION. 321.5A Automated traffic law  
22 enforcement systems.

23 A local authority shall not use an automated traffic  
24 law enforcement system except as provided in this  
25 section.

26 1. A local authority may by ordinance authorize the  
27 use of automated traffic law enforcement systems to  
28 detect violations of posted speed limits or official  
29 traffic-control signals which constitute municipal or  
30 county infractions.

31 2. A local authority shall provide signage,  
32 in conformance with the uniform system on traffic  
33 control devices adopted pursuant to section 321.252,  
34 giving notice of the use of an automated traffic  
35 law enforcement system on both sides of the approach  
36 to each location where an automated traffic law  
37 enforcement system is in use as follows:

38 a. A warning sign at least forty-eight inches  
39 by thirty-six inches in size with a distance plaque  
40 having a black legend and black border on a yellow  
41 or fluorescent yellow-green color shall be posted on  
42 both sides of each road on the approach to the next  
43 traffic-control signal where an automated traffic law  
44 enforcement system is in use.

45 b. A warning sign at least forty-eight inches  
46 by thirty-six inches in size with a distance plaque  
47 having a black legend and black border on a yellow or  
48 fluorescent yellow-green color shall be posted on both  
49 sides of the approach to the next speed limit zone on a  
50 road where an automated traffic law enforcement system

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1 is being used for speed limit enforcement.

2 c. The notice of the use of an automated traffic  
3 law enforcement system shall be positioned so as  
4 to provide adequate perception-response time for  
5 motorists.

6 d. A temporary sign shall be positioned or posted  
7 on the approach to each location where a mobile  
8 automated traffic law enforcement system is being used  
9 for speed limit enforcement.

10 e. The color and size of signage and the distance  
11 of the placement of signage may vary from the  
12 requirements of this section, provided that the  
13 variation is based upon an engineering study and a copy  
14 of the engineering study is maintained on file by the  
15 local authority.

16 f. The vendor or vendors that provide automated  
17 traffic law enforcement system equipment and services  
18 to the local authority shall be responsible for the  
19 costs associated with the provision of signage required  
20 under this subsection.

21 3. Recorded images produced by an automated traffic  
22 law enforcement system evidencing a violation of a  
23 posted speed limit or an official traffic-control  
24 signal shall be reviewed by a peace officer of the  
25 local law enforcement agency to affirm that a violation  
26 occurred and the identity of the motor vehicle involved  
27 in the violation. If following the officer's review,  
28 a notice of a fine or citation is issued to the owner  
29 of the motor vehicle involved in the violation, the  
30 following requirements apply:

31 a. An affidavit bearing the written or electronic  
32 signature of the peace officer shall be included on the  
33 notice or citation.

34 b. The notice or citation shall contain a  
35 statement, in bold type, regarding the process for  
36 appealing the fine.

37 c. The notice or citation shall be sent by ordinary  
38 mail to the owner of the motor vehicle involved not  
39 more than thirty days following the incident giving  
40 rise to the notice of a fine or citation, as evidenced  
41 by the postmark.

42 4. a. A local authority shall not charge the owner  
43 of a motor vehicle administrative fees in addition to  
44 any civil penalty imposed for a violation detected by  
45 an automated traffic law enforcement system. A civil  
46 penalty for such a violation shall not exceed the  
47 amount of the fine established in section 805.8A for an  
48 equivalent violation charged as a scheduled violation,  
49 subject to the limitation established in section  
50 331.302 for violation of a county ordinance or the

1 limitation established in section 364.3 for violation  
2 of a city ordinance.

3 b. A local authority shall not impose a civil  
4 penalty for violation of a speed limit for speed which  
5 is ten miles per hour or less over the speed limit.

6 5. The notice or citation sent to the owner of a  
7 motor vehicle pursuant to subsection 3 shall specify  
8 the date by which payment of the civil penalty is  
9 due. The penalty shall be deemed delinquent if it is  
10 not paid within thirty days after the date specified  
11 on the notice or citation. Thirty days after the  
12 date specified on the notice or citation, the local  
13 authority may contract with a private collection agency  
14 for collection of the delinquent penalty.

15 6. The owner of a motor vehicle shall not be liable  
16 for a violation detected by an automated traffic  
17 law enforcement system if a uniform traffic citation  
18 was issued to the operator of the motor vehicle in  
19 connection with the same violation.

20 7. A local authority that uses an automated traffic  
21 law enforcement system shall file annually with the  
22 department of public safety a report comparing the type  
23 and rate of accidents that occurred at each location  
24 where an automated traffic law enforcement system was  
25 employed during the previous year to the type and rate  
26 of accidents at the same location during the previous  
27 consecutive year. The report shall be kept on file and  
28 used by the governing body of the local authority in  
29 evaluating the effectiveness of the automated traffic  
30 law enforcement program in improving public safety.

31 Sec. 3. EXISTING AUTOMATED TRAFFIC LAW  
32 ENFORCEMENT SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND  
33 CITATIONS. Notices mailed or citations issued of  
34 violations committed prior to the effective date of  
35 this Act, pursuant to a local ordinance authorizing the  
36 use of an automated traffic law enforcement system,  
37 shall not be invalidated by the enactment of this Act  
38 and shall be processed according to the provisions of  
39 the law under which they were authorized.>

40 2. Title page, line 1, by striking <prohibiting>  
41 and inserting <relating to>

42 3. Title page, by striking line 2 and inserting  
43 <systems.>

44 4. By renumbering as necessary.

By WENTHE of Fayette  
HALL of Woodbury

HOUSE FILE 2450

H-8394

1 Amend the amendment, H-8343, to House File 2450 as  
2 follows:

3 1. Page 1, by striking lines 14 through 19 and  
4 inserting:

5 <(2) Moneys in excess of the amount necessary for  
6 the purpose specified in subparagraph (1) shall be  
7 retained by the county. Fifty percent of the moneys  
8 retained by the county shall be deposited in the  
9 secondary road fund of the county.>

10 2. Page 1, by striking lines 46 through 50 and  
11 inserting:

12 <(2) Moneys in excess of the amount necessary for  
13 the purpose specified in subparagraph (1) shall be  
14 retained by the city. Fifty percent of the moneys  
15 retained by the city shall be deposited in the city's  
16 street construction fund.>

17 3. Page 2, by striking lines 9 through 17 and  
18 inserting <a part of the city's penalty.>

19 4. By renumbering as necessary.

By GASKILL of Wapello

H-8394 FILED MARCH 29, 2012

HOUSE FILE 2450

H-8396

1 Amend the amendment, H-8392, to House File 2450 as  
2 follows:

3 1. Page 2, after line 41, by inserting:

4 <3A. A local authority's ordinance authorizing the  
5 use of automated traffic law enforcement systems shall  
6 provide that a person charged with a violation shall  
7 have the opportunity to view a video or other recorded  
8 images evidencing the violation prior to the deadline  
9 for filing an appeal.>

10 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8396 FILED MARCH 29, 2012

Senate Amendment to  
HOUSE FILE 609

H-8388

1 Amend House File 609, as passed by the House, as  
2 follows:

3 1. Page 1, line 1, after <Code> by inserting  
4 <Supplement>

5 2. Page 2, after line 22 by inserting:

6 <Sec. \_\_\_\_\_. Section 633.350, Code 2011, is amended  
7 to read as follows:

8 633.350 Title to decedent's estate ---- when property  
9 passes ---- possession and control thereof ---- liability  
10 for administration expenses, debts, and family  
11 allowance.

12 Except as otherwise provided in this probate code,  
13 when a person dies, the title to the person's property,  
14 real and personal, passes to the person to whom it is  
15 devised by the person's last will, or, in the absence  
16 of such disposition, to the persons who succeed to the  
17 estate as provided in this probate code, but all of  
18 the property shall be subject to the possession of the  
19 personal representative as provided in section 633.351  
20 and to the control of the court for the purposes of  
21 administration, sale, or other disposition under the  
22 provisions of law, and such property, except homestead  
23 and other exempt property, shall be chargeable with the  
24 payment of debts and charges ~~against~~ of the estate.  
25 There shall be no priority as between real and personal  
26 property, except as provided in this probate code or by  
27 the will of the decedent. If real property is titled  
28 at any time in a decedent's estate, such property  
29 shall be treated as titled in the name of the personal  
30 representative of the estate.

31 Sec. \_\_\_\_\_. Section 633.351, Code 2011, is amended to  
32 read as follows:

33 633.351 Possession of real and personal property.

34 ~~If there is no distributee of the real estate~~  
35 ~~present and competent to take possession, or if there~~  
36 ~~is a lease of such real estate outstanding, or if the~~  
37 ~~distributees present and competent consent thereto~~

38 During the period of administration, the personal  
39 representative shall take possession of such the  
40 decedent's real estate, except the homestead and  
41 other property exempt to the surviving spouse. Every  
42 personal representative shall take possession of  
43 all the personal property of the decedent, except  
44 the property exempt to the surviving spouse. The  
45 personal representative may maintain an action for  
46 the possession of such real and personal property  
47 or to determine the title to any property of the  
48 decedent. Until property is distributed, the  
49 personal representative shall take reasonable steps  
50 to safeguard such property, pay any expenses related

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1 to such property, and collect any income generated  
2 by such property. Unless otherwise provided by the  
3 decedent's will, all such expenses shall be paid from  
4 the residuary estate and all such income shall be  
5 considered a part of the residuary estate.

6 Sec. \_\_\_\_\_. Section 633.352, Code 2011, is amended to  
7 read as follows:

8 633.352 Collection of rents and payment of taxes and  
9 charges.

10 Unless otherwise provided by the will, the ~~personal~~  
11 ~~representative shall allocate and distribute provisions~~  
12 ~~of chapter 637 that conflict with this part 3 shall~~  
13 ~~not apply to the allocation and distribution of estate~~  
14 ~~income of an estate in accordance with chapter 637.~~

15 Sec. \_\_\_\_\_. Section 633.355, Code 2011, is amended to  
16 read as follows:

17 633.355 Delivery of specific devise after ~~nine~~  
18 twelve months.

19 Unless the court, for cause shown, determines  
20 that the possession of the personal representative  
21 shall continue for a longer period, the personal  
22 representative shall deliver all specifically devised  
23 property to the devisees entitled thereto after the  
24 expiration of ~~nine~~ twelve months from the date of  
25 appointment of the personal representative. This  
26 section shall not preclude the court from directing  
27 that such delivery be made before such period has  
28 expired, nor shall the personal representative  
29 be prevented from ~~sooner settling the estate and~~  
30 ~~delivering such property at an earlier time.~~>

31 3. Page 7, after line 1 by inserting:

32 <Sec. \_\_\_\_\_. Section 633A.3102, subsection 5, Code  
33 2011, is amended to read as follows:

34 5. The settlor's powers with respect to revocation  
35 or modification may be exercised by an agent under a  
36 power of attorney only ~~and to the extent the power~~  
37 ~~of attorney expressly so authorizes.~~ if all of the  
38 following apply:

39 a. The trust instrument expressly authorizes an  
40 agent under a power of attorney to exercise such  
41 powers.

42 b. The power of attorney expressly authorizes an  
43 agent acting under the power of attorney to exercise  
44 such powers.>

45 4. Page 12, line 24, after <Code> by inserting  
46 <Supplement>

47 5. Page 18, after line 18 by inserting:

48 <Sec. \_\_\_\_\_. Section 635.7, Code 2011, is amended to  
49 read as follows:

50 635.7 Report and inventory ---- value and conversion.

1 1. The personal representative is required to file  
2 the report and inventory for which provision is made in  
3 section 633.361, including all probate and nonprobate  
4 assets. This chapter does not exempt the personal  
5 representative from complying with the requirements of  
6 section 422.27, 450.22, 450.58, 633.480, or 633.481,  
7 and the administration of an estate whether converted  
8 to or from a small estate shall be considered one  
9 proceeding pursuant to section 633.330.

10 2. ~~If the~~ The report and inventory and report shows  
11 shall show the gross value of probate assets subject to  
12 the jurisdiction of this state ~~which exceed.~~

13 3. If the gross value of probate assets subject  
14 to the jurisdiction of this state exceeds the amount  
15 permitted for a small estate under section 635.1, the  
16 estate shall be administered as provided in chapter  
17 633.

18 ~~3.~~ 4. If the ~~inventory~~ report and inventory in  
19 an estate probated pursuant to chapter 633 ~~indicates~~  
20 shows the gross value of the probate assets subject  
21 to the jurisdiction of this state does not exceed the  
22 amount permitted under section 635.1, the estate shall  
23 be administered as a small estate upon the filing of  
24 a statement by the personal representative that the  
25 estate is a small estate.

26 ~~4.~~ 5. Other interested parties may convert  
27 proceedings from a small estate to a regular estate or  
28 from a regular estate to a small estate only upon good  
29 cause shown with approval from the court.

30 Sec. \_\_\_\_\_. Section 635.8, Code 2011, is amended to  
31 read as follows:

32 635.8 Closing by sworn statement.

33 1. The personal representative shall file with the  
34 court a closing statement and proof of service thereof  
35 within a reasonable time from the date of issuance  
36 of the letters of appointment, ~~and the.~~ The closing  
37 statement shall be verified or affirmed under penalty  
38 of perjury, stating all of the following:

39 a. To the best knowledge of the personal  
40 representative, the gross value of the probate assets  
41 subject to the jurisdiction of this state does not  
42 exceed the amount permitted under section 635.1.

43 b. The estate has been fully administered and will  
44 be ~~disbursed and~~ distributed to persons entitled to the  
45 ~~estate thereto~~ if no objection is filed to the closing  
46 ~~statement after the requisite time period has expired~~  
47 ~~as provided in subsection 2 and the accounting and~~  
48 proposed distribution within thirty days after service  
49 thereof.

50 c. ~~A description of the disbursement and An~~



1 accounting and proposed distribution of the estate  
2 including an accurate description of all the real  
3 estate of which the decedent died seized, stating the  
4 nature and extent of the interest in the real estate  
5 and its disposition.

6 d. A copy of the closing statement and a notice  
7 of an opportunity to object to and request a hearing  
8 has been sent by proper notice, as provided in section  
9 633.40, to all interested parties.

10 e. ~~The personal representative has complied~~  
11 with A statement as to whether or not all statutory  
12 requirements pertaining to taxes have been complied  
13 with, including whether federal estate tax was paid  
14 or a return was filed, whether Iowa inheritance tax  
15 was paid or a return was filed, whether the decedent's  
16 final personal income taxes were filed, whether  
17 fiduciary income tax returns for the estate were filed,  
18 and due has been paid, whether a lien continues to  
19 exist for any federal or state estate tax, and whether  
20 inheritance tax was paid or a tax return was filed in  
21 this state.

22 f. The amount of fees to be paid to the personal  
23 representative and the personal representative's  
24 attorney with the appropriate documentation showing  
25 compliance with subsection 4.

26 2. If no actions or proceedings involving the  
27 estate are pending in the court thirty days after  
28 notice service of the closing statement is filed,  
29 the the estate shall be distributed according to the  
30 closing statement.

31 3. The estate shall close and the personal  
32 representative shall be discharged after distribution  
33 upon the earlier of either of the following:

34 a. The filing of a statement of disbursement of  
35 assets with the clerk by the personal representative an  
36 affidavit of mailing or other proof of service of the  
37 closing statement and a statement of asset distribution  
38 by the personal representative.

39 b. ~~An additional thirty days have passed after~~  
40 notice of the Sixty days after the filing of the  
41 closing statement is filed and an affidavit of mailing  
42 or other proof of service thereof.

43 3- 4. ~~The closing statement shall include a~~  
44 statement as to the amount of fees to be paid for  
45 services rendered by the personal representative  
46 and the personal representative's attorney in  
47 administration of the estate. The fees for the  
48 personal representative shall not exceed three percent  
49 of the gross value of the probate assets of the  
50 estate, unless the personal representative itemizes



1 the personal representative's services to the estate.  
2 The personal representative's attorney shall be paid  
3 reasonable fees as approved by the court or as agreed  
4 to in writing by the personal representative at or  
5 before and such writing shall be executed by the  
6 time of filing the probate inventory or as approved  
7 by the court. All interested parties shall have the  
8 opportunity to object and request a hearing as to all  
9 fees reported in the closing statement.

10 4. 5. If a closing statement is not filed within  
11 twelve months of the date of issuance of a letter of  
12 appointment, an interlocutory report shall be filed  
13 within such time period. Such report shall be provided  
14 to all interested parties at least once every six  
15 months until the closing statement has been filed  
16 unless excused by the court for good cause shown.  
17 The provisions of section 633.473 requiring final  
18 settlement within three years shall apply to an estate  
19 probated pursuant to this chapter. A closing statement  
20 filed under this section has the same effect as final  
21 settlement of the estate under chapter 633.>

22 6. Page 18, line 23, by striking <2011> and  
23 inserting <2012>

24 7. Page 18, line 25, by striking <2011> and  
25 inserting <2012>

26 8. Page 18, line 31, by striking <2011> and  
27 inserting <2012>

28 9. Page 18, line 34, by striking <2011> and  
29 inserting <2012>

30 10. Page 18, after line 34 by inserting:

31 <5. The section of this Act amending section  
32 633A.3102 applies to revocable trusts and powers of  
33 attorney in existence on or after July 1, 2012.>

34 11. Title page, by striking lines 1 and 2 and  
35 inserting <An Act relating to trusts and estates  
36 including the administration of small estates, and  
37 certain state inheritance tax provisions, and including  
38 applicability provisions.>

39 12. By renumbering as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 2229

H-8397

1 Amend House File 2229 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 321.30, subsection 2, Code  
4 2011, is amended to read as follows:

5 2. a. Unless otherwise provided for in this  
6 chapter, the department or the county treasurer shall  
7 refuse registration and issuance of a certificate of  
8 title unless the vehicle bears a manufacturer's label  
9 pursuant to 49 C.F.R. pt. 567 certifying that the  
10 vehicle meets federal motor vehicle safety standards.

11 b. A military vehicle, other than a vehicle that  
12 runs on continuous tracks or wheels and tracks, that  
13 was originally manufactured for and sold directly to  
14 the armed forces of the United States in conformity  
15 with contractual specifications, as provided in  
16 49 C.F.R. { 571.7, may be registered and issued a  
17 certificate of title if the owner provides satisfactory  
18 evidence to the department that the vehicle is  
19 substantially in compliance with federal motor vehicle  
20 safety standards. The department may adopt rules as  
21 necessary concerning the registration and titling of  
22 military vehicles in accordance with this chapter.>

23 2. Title page, line 1, after <Act> by inserting  
24 <relating to transportation, including by providing for  
25 the registration and titling of military vehicles and>

26 3. By renumbering as necessary.

**By** WINDSCHITL of Harrison

TJEPKES of Webster

CHAMBERS of O'Brien

RASMUSSEN of Buchanan

LYKAM of Scott

H-8397 FILED MARCH 29, 2012

Senate Amendment to  
HOUSE FILE 2323

H-8390

- 1 Amend House File 2323, as passed by the House, as  
2 follows:
- 3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 384.84, subsection 3, paragraph  
5 c, Code Supplement 2011, is amended to read as follows:  
6 c. A city utility or enterprise service to a  
7 property or premises shall not be discontinued unless  
8 prior written notice is sent, by ordinary mail, to the  
9 account holder in whose name the delinquent rates or  
10 charges were incurred, informing the account holder  
11 of the nature of the delinquency and affording the  
12 account holder the opportunity for a hearing prior to  
13 discontinuance of service. If the account holder is a  
14 tenant, and if the owner or landlord of the property  
15 or premises has made a written request for notice, the  
16 notice shall also be given to the owner or landlord.  
17 If the account holder is a tenant and requests a change  
18 of name for service under the account, such request  
19 shall be sent to the owner or landlord of the property  
20 if the owner or landlord has made a written request  
21 for notice of any change of name for service under the  
22 account to the rental property.>
- 23 2. Page 1, by striking lines 14 through 19 and  
24 inserting <notice shall contain the name of the tenant  
25 responsible for charges, address of the residential  
26 rental property that the tenant is to occupy, and the  
27 date that the occupancy begins. A change in tenant  
28 shall require a new written notice to be given to the  
29 city utility or enterprise within thirty business days  
30 of the change in tenant. When the tenant moves from  
31 the>
- 32 3. Page 1, line 24, by striking <ten> and inserting  
33 ~~<ten>~~ thirty>
- 34 4. Page 2, line 9, after <contain> by inserting  
35 <the name of the tenant responsible for the charges,>  
36 5. Page 2, line 10, by striking <occupy> and  
37 inserting <occupy,>  
38 6. Page 2, line 11, after <begins.> by inserting  
39 <A change in tenant shall require a new written notice  
40 to be given to the city utility or enterprise within  
41 thirty business days of the change in tenant.>  
42 7. Page 2, line 18, by striking <ten> and inserting  
43 <thirty>  
44 8. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8390 FILED MARCH 29, 2012

Senate Amendment to  
HOUSE FILE 2427

H-8389

1 Amend House File 2427, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking line 29 and inserting <be  
4 subject to a civil penalty in the amount of two hundred  
5 fifty dollars. A person who>  
6 2. Page 2, line 5, by striking <twenty-five> and  
7 inserting <fifty>  
8 3. Page 2, by striking line 8 and inserting <shall  
9 be subject to a civil penalty in the amount of two  
10 hundred fifty dollars.>  
11 4. Page 2, line 10, by striking <twenty-five> and  
12 inserting <fifty>  
13 5. Page 2, line 13, by striking <twenty-five> and  
14 inserting <fifty>

RECEIVED FROM THE SENATE

H-8389 FILED MARCH 29, 2012

HOUSE FILE 2435

H-8398

1 Amend House File 2435 as follows:  
2 1. Page 40, line 11, by striking < \$520,150> and  
3 inserting < \$1,020,150>  
4 2. Page 40, line 13, by striking <To> and inserting  
5 <a. To>  
6 3. Page 40, line 16, by striking <a.> and inserting  
7 a. (1)>  
8 4. Page 40, line 19, by striking <b.> and inserting  
9 b. (2)>  
10 5. Page 40, line 22, by striking <c.> and inserting  
11 c. (3)>  
12 6. Page 40, line 25, by striking <d.> and inserting  
13 d. (4)>  
14 7. Page 40, line 28, by striking <e.> and inserting  
15 e. (5)>  
16 8. Page 40, after line 30 by inserting:  
17 <b. To the judicial branch to support substance  
18 abuse services provided to juveniles participating in  
19 the juvenile drug court programs listed in paragraph  
20 "a" and the juveniles' families:  
21 ..... \$ 500,000  
22 The state court administrator shall allocate the  
23 funding designated in this paragraph "b" among the  
24 programs.  
25 9. By renumbering as necessary.

By **HALL** of Woodbury

H-8398 FILED MARCH 29, 2012

HOUSE FILE 2457

H-8393

1 Amend House File 2457 as follows:

2 1. Page 2, by striking lines 8 through 16 and  
3 inserting:

4 <3. WORKFORCE DEVELOPMENT OPERATIONS

5 a. For the operation of field offices, the  
6 workforce development board, and for not more than the  
7 following full-time equivalent positions:

8 ..... \$ 8,671,352

9 ..... FTEs 130.00

10 The moneys appropriated in this paragraph are  
11 contingent upon the condition that the workforce  
12 development centers and satellite offices, other than  
13 those centers maintained by electronic means, which  
14 were open and fully operational on November 1, 2011,  
15 shall remain open and operational through June 30,  
16 2012.

17 b. Of the moneys appropriated in paragraph "a"  
18 of this subsection, the department shall allocate  
19 \$1,130,602 for the operation of satellite field offices  
20 in Decorah, Fort Madison, Iowa City, and Webster City.>

21 2. Title page, line 2, after <development> by  
22 inserting <for certain purposes>

23 3. By renumbering as necessary.

By HAGER of Allamakee

H-8393 FILED MARCH 29, 2012

SENATE FILE 451

H-8387

1 Amend the amendment, H-8339, to Senate File 451,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 31 through 45 and  
5 inserting:

6 <3. Limitation. For the fiscal year beginning July  
7 1, 2013, and each succeeding fiscal year, the ratio of  
8 the amount of modified allowable growth established by  
9 the department of management compared to the school  
10 district's total regular program district cost shall  
11 not exceed two and one-half percent. However, if the  
12 school district's highest such ratio so determined for  
13 any fiscal year beginning on or after July 1, 2009, but  
14 before July 1, 2013, exceeded two and one-half percent,  
15 the ratio may exceed two and one-half percent but shall  
16 not exceed the highest such ratio established during  
17 that period.>

18 2. Page 2, by striking line 46 and inserting:

19 <Sec. \_\_\_\_\_. APPLICABILITY.

20 1. Notwithstanding section 257.38, subsection 1,  
21 section 257.40, subsection 1, or any other provision of  
22 law to the contrary, the section of this Act enacting  
23 section 257.41, subsection 2, is applicable to budget  
24 years beginning on or after July 1, 2012, for purposes  
25 of the appropriate uses of funding for returning  
26 dropout and dropout prevention program plans approved  
27 for budget years beginning on or after July 1, 2012.

28 2. The section of this Act enacting section 257.41,  
29 subsection 3, is applicable to>

30 3. By renumbering as necessary.

**By** KOESTER of Polk

H-8387 FILED MARCH 29, 2012

SENATE FILE 2123

H-8391

1 Amend the amendment, H-8284, to Senate File 2123, as  
2 passed by the Senate, as follows:  
3 1. Page 2, by striking lines 30 and 31 and  
4 inserting:  
5 <(i) CP 47,497 and homologues  
6 5-(1,1-dimethylheptyl)-  
7 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.>  
8 2. Page 2, by striking lines 43 and 44 and  
9 inserting:  
10 <(viii) JWH-250 1-pentyl-3-  
11 (2-methoxyphenylacetyl)indole.>  
12 3. Page 2, by striking lines 47 and 48 and  
13 inserting:  
14 <(x) RCS-8 and SR 18 1-cyclohexylethyl-3-  
15 (2-methoxyphenylacetyl)indole.>  
16 4. Page 3, by striking lines 20 and 21 and  
17 inserting:  
18 <(2) 3,4-methylenedioxypyrovalerone  
19 (MDPV)[(1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-  
20 1-pentanone].>  
21 5. Page 3, by striking lines 39 and 40 and  
22 inserting:  
23 <(15) 6,7-dihydro-5H-indeno-  
24 (5,6-d)-1,3-dioxol-6-amine) (MDAI).>  
25 6. Page 3, by striking line 42 and inserting:  
26 <(17) 4'-Methyl-alpha-pyrrolidinobutiophenone  
27 (MPBP).>

**By** FRY of Clarke

H-8391 FILED MARCH 29, 2012

SENATE FILE 2318

H-8395

1 Amend Senate File 2318, as passed by the Senate, as  
2 follows:  
3 1. Page 13, by striking lines 6 through 15.  
4 2. By renumbering as necessary.

**By** L. MILLER of Scott

H-8395 FILED MARCH 29, 2012



## Fiscal Note

Fiscal Services Division



**HF 2450** – Motor Vehicle Traffic Cameras, State Ban (LSB 5038HZ)

Analyst: Estelle Montgomery (Phone: 515-725-2261) ([estelle.montgomery@legis.state.ia.us](mailto:estelle.montgomery@legis.state.ia.us))

Fiscal Note Version – New

### **Description**

**House File 2450** prohibits the use of Automated Traffic Enforcement (ATE) systems in Iowa. The Bill defines ATE systems as devices with one or more sensors that work in conjunction with a traffic control signal or device or a speed-measuring device to produce recorded images of vehicles being operated in violation of traffic or speed laws. The bill specifies that ATE definitions do not include a device operated in the presence of a peace officer or mounted on a school bus and operated in the presence of a school bus driver. Further, the Bill requires local authorities with ATE systems in use to suspend operations on or before the effective date of this bill and remove all ATE systems by July 1, 2012. However, all notices of violations mailed or citations issued prior to suspension are not invalidated and subject to full processing according to the law.

### **Background**

According to the National Conference of State Legislatures, more than 400 U.S. communities use red-light cameras and more than 40 communities use cameras to enforce speed laws. Currently, there are seven cities in Iowa that have ATE systems in use. These cities are Cedar Rapids, Clive, Council Bluffs, Davenport, Des Moines, Muscatine, and Sioux City. Each city has selected monitoring locations based on crash and safety data and history for red-light intersections and speed enforcement. In a response to a League of Cities survey, the cities indicated decreases in red-light crashes at intersections with ATE cameras, reduced crashes citywide, as well as reduced injuries resulting from crashes.

The ATE vendors are responsible for equipment installation, ownership, and ongoing maintenance. Revenues from the cameras are deposited in the general fund of each city. The ATE vendors retain a portion of the revenues for providing the services and equipment for the cameras. The amounts depend on the specific contracts between the vendors and the cities. Each city pays for personnel and any legal costs associated with the ATE program, as well as other overhead costs of running the ATE program. In a League of Cities survey, cities reported that ATE program revenues support various public safety and traffic improvement initiatives including portable radar detectors, public awareness initiatives, public safety staffing/resources, public safety technologic improvements, trucks for traffic signage and repair, portable traffic signals, and special traffic cones.

### **Current Situation — Statistics**

2011 ATE System Violations*						
City	Cedar Rapids	Clive	Council Bluffs	Des Moines**	Muscatine	Sioux City
Red-light	3,199	14,263	17,174	Unavailable	1,927	9,178
Speeding	99,760	n/a	n/a	Unavailable	17,828	8,619

\*According to the League of Cities survey of cities using ATE systems.

\*\*The Des Moines ATE system program has not yet completed a calendar year.

At the State level, for traffic sign or signal violations under Iowa Code section [321.256](#), there is a \$100 fine in accordance with Iowa Code section [805.8A](#)(8).

<b>2011 Fees Associated with Violations for Cities Using ATE Systems*</b>			
<b>City</b>	<b>Red-light violation</b>	<b>Speeding violation</b>	<b>Vendor fee</b>
<b>Cedar Rapids</b>	\$100	Tiered: 12-20mph over at \$75, 21-25 at \$100, 26-30mph at \$250, 31+mph at \$500; majority of fines are at \$75	Flat fee of \$30 per violation.
<b>Clive</b>	\$100	n/a	Tiered: ranging from \$28 to \$48 per violation.
<b>Council Bluffs</b>	\$107.25	n/a	Tiered: \$33 to \$49 per violation.
<b>Davenport</b>	\$65	Tiered: 12-20mph over at \$65, 21-25mph at \$85, 26-30mph at \$95, 31-35mph \$110, 36-40mph at \$112, 41+mph at \$150	<i>Vender fee information not provided.</i>
<b>Des Moines</b>	\$65	Tiered: 1-15mph over at \$65, 16-20pmh at \$75, and 21+mph at \$80 plus \$2 per mph over 80 mph	Flat fee of \$25 per violation.
<b>Muscatine</b>	\$75	Tiered: \$75 to \$350 for violators 31+ mph over the limit	Flat fee of \$27 per speeding or red light violation.
<b>Sioux City</b>	\$100	\$100	\$2,500 per month per approach plus \$17.50 per paid red light violation. In addition, \$20 to \$25 per speeding violation.

\*According to the League of Cities survey of cities using ATE systems.

### **Assumptions**

- Cities will have the same number of red-light violations in 2012 as in 2011.
- Cities and vendors will retain revenues at the same percentages as before.
- All violations provide revenue from the fines levied without reduction for violations that may be appealed or dismissed.
- Revenue calculations are solely based on the number of violations and fee per violation and do not reflect any variations in earnings. This assumes that all violators pay the fines. In actuality, not all do pay. Roughly 15.0%-25.0% of violations issued go unpaid. In the case of an unpaid ticket, the ATE vendor does not receive revenue.
- Calculations do not include criminal penalty surcharges (35.0% of the fine per Iowa Code section [911.1](#)) or civil court fees.
- Fines are tracked by administrators.

### **State Fiscal Impact**

There is no fiscal impact to the State's General Fund or the Road Use Tax Fund.

### **Local Fiscal Impact**

Local revenues in all eight cities that have ATE systems might be affected by the elimination of fees for violations caught by red-light and speed enforcement cameras. According to a League of Cities survey, potential revenue loss is estimated at \$7.5 million for all seven cities\* each year and \$4.4 million would be collected by the vendors.

*\*The Des Moines program has not yet completed a calendar year and is not included in this amount.*

It is unknown if the specifics of the contracts between the cities and the vendors might affect these decreases further.

### **Sources**

League of Cities (Survey of Cities w/ATEs)  
League of Cities Cityscape Newsletter  
Department of Transportation  
Department of Public Safety  
National Conference of State Legislatures

/s/ Holly M. Lyons

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March 28, 2012

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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